

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JOHN OGBODO EZE,)	
)	
Petitioner)	
)	Civil Action No.
v.)	04cv11949-NG
)	
JOHN ASHCROFT)	
)	
)	
Respondent ¹)	

MOTION TO DISMISS

Respondent moves to dismiss this action pursuant to Fed. R. Civ. P. rule 12(b)(1) for lack of subject matter jurisdiction.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: s/Frank Crowley
FRANK CROWLEY
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¹ The responsive official of the Department of Homeland Security responsible for enforcement of petitioner's removal order in the instant action is Bruce Chadbourne, Field Office Director for Detention and Removal, Department of Homeland Security, Bureau of Immigration and Customs Enforcement ("ICE") in Boston, Massachusetts.

CERTIFICATE OF SERVICE

I hereby certify that I caused true copy of the above document to be served upon pro se petitioner by mail on September 8, 2004.

s/Frank Crowley

FRANK CROWLEY

Special Assistant U.S. Attorney

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